

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13934, of Carol Raper, Trustee, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to permit accessory parking spaces in an R-3 District serving two office buildings to be constructed in a D/C-2-A District at premises 2146-2150 Wisconsin Avenue, N.W., (Square 1300, Lots 307, 326 and parts of Lots 306, 308, 271 and 459).

HEARING DATE: March 23, 1983

DECISION DATE: April 6, 1983

FINDINGS OF FACT:

1. The subject site is located at the southwest corner of the intersection of Wisconsin Avenue and W Place and is known as premises 2146-2150 Wisconsin Avenue, N.W. The site is split zoned with D/C-2-A zoning along the Wisconsin Avenue frontage for a depth of 125 feet and R-3 zoning on the remainder of the site.

2. The subject property is presently improved with a one-story commercial structure which houses a dry cleaners and furniture store on the D/C-2-A portion of the property and an accessory parking lot serving those uses on the R-3 portion of the property.

3. The accessory parking lot on the R-3 zoned portion of the site has been in existence with Board approval since 1950. The original approval, for a trial period of one year, was granted by the Board on June 21, 1950, in BZA Appeal No. 2718. Approval for two years was granted in BZA Order No. 3050, dated October 24, 1951. In BZA Order No. 3706, dated November 18, 1953, approval was granted for five years. At a public hearing on March 18, 1959, approval was granted for seven years in Order No. 5410. On November 20, 1968, in BZA Order No. 9638, approval was granted for five years. In BZA Order No. 11499, dated February 21, 1974, approval was granted for one year. On April 16, 1975, approval was granted for five years in Order No. 11846. On July 2, 1980, approval was granted for two years in Order No. 13252. Most recently, in Order No. 13791, a bench decision dated July 14, 1982, approval was granted for parking lot use with fifty spaces for five years. The lot has been operated as accessory parking for the furniture store since 1969. Prior to that time, the lot served a food store which formerly occupied the furniture store premises.

4. The applicant is presently seeking Board approval to continue operation of the parking lot use to serve as the required accessory parking for the two new office buildings to be constructed on the D/C-2-A portion of the site. The existing commercial structure will be razed. Forty-nine parking spaces are required to serve the proposed office buildings, and fifty six parking spaces will be provided.

5. The applicant proposes to regrade, resurface and stripe the lot. The regrading of the lot will alleviate the existing problem of water run-off from the site onto Wisconsin Avenue.

6. The lot will be fenced and landscaped in accordance with Ex. No. 26 of the record. Pedestrian access from the alley on the west side of the site shall remain open. The lot will be screened from adjacent residences by a six foot stockade fence.

7. The proposed accessory parking is located on the same lot as the commercial buildings which contain the principal use the parking is proposed to serve. The parking spaces are contiguous to and located in their entirety within 200 feet of the building housing the principal use. The applicant testified that the lot will be available for parking for residents and users of other commercial uses in the immediate area during the evenings and on weekends.

8. The subject accessory parking lot is a surface parking lot and will not extend above the level of the adjacent finished grade.

9. The parking lot will comply with the provisions of Article 74 of the Zoning Regulations. All areas devoted to driveways, access lanes and parking areas will be paved with an all-weather impervious surface. The parking lot is designed so that no vehicle or part thereof will project over any lot or building line. No other use will be conducted from or upon the parking lot and no structure will be erected on the portion of the premises zoned R-3 and used for parking. The entrance to the lot is located more than twenty-five feet from the intersection of Wisconsin Avenue and W Place. All lighting used to illuminate the parking lot will be arranged so that all direct rays of such lighting will be confined to the surface of the parking lot. The landscaping will be maintained in a healthy growing condition and the lot will be policed daily.

10. The architect testified that it is economically impracticable to construct subsurface parking spaces beneath the proposed buildings, due to the size and design of the buildings, the large amount of area required for entrance and exit ramps and the upward slope of the site from the northeast corner of the property. Two levels of underground

parking would be required to accommodate forty-nine spaces at a cost of \$750,000. The lowest part of the lot, and therefore the most logical place for the garage entrance from a design standpoint, would result in an unsafe midblock entrance and exit to Wisconsin Avenue, which is a major arterial. The safest location for the parking entrance is from W Place, as far removed from the intersection of Wisconsin Avenue and W Place as possible. This, however, is the highest point of the lot and would result in loss of first floor space and additional excavation to accommodate the ramp and parking garage. The design of the proposed structures is residential in nature, and placement of the parking under the building would necessitate a redesign of the structure to a more box-like commercial building. Surface parking for forty-nine cars within the D/C-2-A District is impracticable because of the limited area for surface parking in the commercial district due to the shallow zoning depth. The commercial zone extends back from Wisconsin Avenue to a depth of only 125 feet. Such parking would preclude the extensive landscape treatment designed for the project. The Board concurs with the architect's findings.

11. The parking spaces are so located, and the lot is so designed, that they are not likely to become objectionable to adjoining or nearby property owners because of noise, traffic, or other objectionable conditions. This lot has operated since 1950, serving the uses in the adjacent commercial district. During the thirty-three year operating history of this lot, there has been no evidence to suggest that the operation of the lot has created any objectionable conditions. No complaints regarding the operation of the lot have ever been presented to the Board. The lot will be screened from the adjacent residential properties by a six foot stockade fence, and will be landscaped.

12. Advisory Neighborhood Commission 3B, by letter dated March 11, 1983, indicated its support of the subject application. The Advisory Neighborhood Commission considered the project to be well-designed, in character with the neighborhood and beneficial to other commercial establishments in the area. The ANC expressed concern that pedestrian access to the alley remain open and that the DC Fire Department be consulted on the closing of the existing egress to Wisconsin Avenue.

13. The applicant testified that the landscaping plan, marked as Exhibit No. 26 of the record, indicates that the pedestrian access to the alley will remain open. The applicant also read into the record a letter from counsel which evidenced that counsel had met with chief Joseph A. Quander of the Fire Prevention Division and that upon examination of the plans, Chief Quander determined that the closing of the driveway would present no problem regarding

fire fighting capability. The Board finds that the applicant has adequately addressed the concerns of the Advisory Neighborhood Commission.

14. The application was referred to the DC Department of Transportation. No report from the Department of Transportation was received.

15. There was no opposition to the granting of the subject application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires the applicant to demonstrate compliance with Paragraph 3101.49 and Sub-Section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied and that the proposed accessory parking lot meets the criteria set forth. The Board concludes that the parking lot does not extend above the adjacent finished grade and is contiguous to and within 200 feet of the use it is proposed to serve. The lot complies with the provisions of Article 74. It is impractical to locate the required parking spaces within the principal building or on the commercial zoned portion of the lot. The lot is not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- A. The parking lot shall be screened from adjacent residential properties by a six foot stockade fence and landscaping in accordance with Exhibit No. 26 of the record.
- B. Pedestrian access from the alley on the western portion of the lot shall remain open.
- C. The lot shall be available for residential parking during the hours the office facility is not in operation.

VOTE: 5-0 (William F. McIntosh, Douglas J. Patton, Carrie Thornhill, Maybelle T. Bennett, and Charles R. Norris to Grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JUN 22 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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